

UNITED STATES COURT OF INTERNATIONAL TRADE

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In re E-GOVERNMENT ACT OF 2002 AND
PRIVACY REDACTION
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ADMINISTRATIVE ORDER

No. 08-01

Parties and counsel are not to include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. If sensitive information must be included in a filing, personal data identifiers must be partially redacted from the filing, regardless of the form, i.e., paper or electronic media. Social Security numbers are to be redacted to show only the last four digits; birth dates are to contain only the year of birth; individuals known to be minors are to be referred to with initials; and financial numbers are to be redacted to the last four digits. It is important to remember that any sensitive information not otherwise protected will be available over the Internet via the Court's CM/ECF System. See Administrative Order No. 02-01.

Pursuant to the E-Government Act of 2002 (Pub. L. No. 107-347, Dec. 17, 2002), Section 205(c)(3), as amended (Pub. L. No. 108-281, August 2, 2004), a party or counsel intending to file one or more documents containing the personal identifiers specified above may file a "reference list" with the Court that would include the complete version of each personal data identifier and a corresponding partially redacted version of each identifier. This list will be maintained under seal and may be amended by a party as a matter of right. The list is intended to serve as a type of "key." The redacted version would be used in lieu of, and be construed to refer to, the complete identifier in subsequent filings in the case.

It is the responsibility of counsel and the parties to be sure that all filings comply with the Court's Rules, orders, or notices regarding the redaction of personal data identifiers or other sensitive information. The Office of the Clerk will not review counsel's filings for redaction. In the case of a transcript filed by a court reporter, each party's attorney¹ is required to review the transcript for information that is to be redacted under this Order. Within five business days of a court reporter's delivery of the transcript to the Clerk of Court, an attorney must file a notice with the Court of the attorney's intent to request redaction of such information from the transcript. An attorney is responsible for reviewing the opening and closing statements made on behalf of the party the attorney represents, any statements made by the party, and the testimony of any witnesses called by the party. If no notice is filed during this five-day period, the Court may assume that redaction of personal data is not necessary and may make the transcript available to the public, through electronic or other means.

Once an attorney has filed a notice of intent to request redaction, the attorney has 21 days to review the transcript and submit to the court reporter a list of the places in the transcript where the personal data to be redacted appears. The court reporter or transcriber must redact the identifiers, as directed by the party. During this time period, an attorney also could, by motion, request that additional information be redacted, and no remote electronic public access to the transcript is to be allowed until the Court has ruled on any such motion.

¹ Or, in the case of an unrepresented party, the party should perform the tasks these procedures assign to attorneys.

Finally, parties and counsel are advised to exercise caution and follow the requirements of USCIT R. 81(h) when filing a document that contains other sensitive personal information, or confidential, business proprietary, privileged, or classified information.

For the Court:

/S/
By: Tina Potuto Kimble
Clerk of the Court

Dated: May 2, 2008